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Letter dated 7 December 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the decision adopted by the Peace and Security Council of the African Union at its 40th meeting, held in Addis Ababa on 6 October 2005. I also refer to Security Council resolution 1633 (2005) of 21 October 2005, which established an International Working Group to assist the Government of Côte d'Ivoire in the implementation of its programme and to consolidate and strengthen the existing follow-up mechanisms.

In this regard, I am forwarding the text of the communiqué issued by the International Working Group at the conclusion of its eleventh ministerial meeting, held in Abidjan on 1 December 2006 (see annex).

I would be grateful if you would bring this communiqué to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-65040 (E) 111206

Annex

[Original: English and French]

Final communiqué of the eleventh ministerial meeting of the International Working Group on Côte d'Ivoire

Abidjan, 1 December 2006

1. The 1st ministerial meeting of the International Working Group after the adoption of Security Council resolution 1721 (2006) of 1 November 2006 was held at Abidjan on 1 December 2006 under the joint chairmanship of Rodolphe Adada, Minister of State, Minister for Foreign Affairs and the Francophonie of the Congo, and Pierre Schori, Special Representative of the Secretary-General of the United Nations for Côte d'Ivoire. In attendance were the Ministers of France and Ghana, as well as the Special Representative of the current Chairman of the African Union, the African Union Commissioner for Peace and Security, the Executive Secretary of the Economic Community of West African States, the High Representative for Elections in Côte d'Ivoire and the representatives of Benin, Guinea, the Niger, Nigeria, South Africa, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the European Union, the International Organization of la Francophonie and the World Bank.

2. The Group was briefed by the Prime Minister on the initial measures he has taken or envisaged to take towards carrying out the immediate tasks spelled out in Security Council resolution 1721 (2006) and the obstacles he has encountered. The Group provided the Prime Minister, at his request, with appropriate clarifications concerning the authority vested in him by the Security Council in its resolution 1721 (2006) over the Defence and Security Forces and the Armed Forces of the Forces Nouvelles. The Group recalled the obligation bestowed on it to report immediately to the Security Council any obstacle or problem that the Prime Minister might encounter in the exercise of his functions and to identify those responsible. The International Working Group also stated that the Prime Minister, at his convenience, will judge, in all matters, whether it is opportune for him to take the necessary decisions either in the Council of Ministers or in the Council of Government.

3. The Group notes with deep concern the delay already registered in implementing resolution 1721 (2006) and the deterioration of the political climate, which is linked largely to the handling of the severe toxic waste crisis. The Group encourages the Prime Minister to pursue his efforts to fight impunity and promote good governance and, in this regard, it welcomes the recommendations made by the National Commission of Inquiry into the dumping of toxic waste and understands the deep dissatisfaction felt by the population over the reinstatement of officials who had been suspended by the Prime Minister.

4. The Group recalls that in resolution 1721 (2006), the Security Council calls for full compliance by all Ivorian parties and that no legal provisions should be invoked by them to obstruct the peace process.

5. The Group also recalls paragraph 21 of the decision of 17 October 2006 of the Peace and Security Council of the African Union, which "urges all Ivorian parties to exercise maximum restraint, work together to overcome the current stalemate and refrain from any unilateral action during the transition period". In this regard, the

Group condemns the dismissal of the directors-general of the Radio Télévision Ivoirienne and Fraternité Matin as well as the dissolution of the Boards of Directors of the companies concerned. The Group notes that these decisions, which are contrary to the Pretoria Agreement, undermine the neutrality and impartiality of the public media, which are guaranteed by the peace agreements, as well as freedom of expression. The Group therefore considers that it is indispensable to reinstate the dismissed officials.

6. Bearing in mind the assessment of the peace process scheduled to be conducted by 1 February 2007 and while encouraging the Prime Minister in his determination to fully implement Security Council resolution 1721 (2006), the Group invites him to take or initiate the following immediate measures:

(a) **Relaunching of the process of pre-identification**: the Government and the relevant authorities should immediately relaunch the issuing of substitute birth certificates and certificates of nationality in the existing jurisdictions. At the same time, the Government must create the necessary conditions for the pre-identification process throughout the national territory, including the adoption of the required regulatory texts to render the process efficient and the assigning of judges to the new jurisdictions. These measures should be taken by 10 December 2006 at the latest. The preparations for the identification project, in particular the selection of the technical operator and a public information campaign, should be aimed at ensuring that the registration of the population can begin on 1 February 2007.

(b) **Identification of the population**: the working group on identification will have to be established by 5 December 2006 at the latest.

(c) **Preparations for the elections**: the Group requests those political actors who have not yet done so to nominate their representatives on the local structures of the Independent Electoral Commission before 15 December 2006. After 15 December 2006, the Independent Electoral Commission must open all its local structures, including those comprising the nominated members. The Group requests the Commission to urgently set and publish an electoral timetable, including the date for the first round of the presidential election.

(d) **Disarmament and demobilization of ex-combatants, dismantling and disarmament of militias**: the Group demands that the parties controlling the militias and ex-combatants fully participate in the disarmament, demobilization and reintegration and the dismantling and disarmament of militia processes led by the Prime Minister. The rehabilitation of the sites must be completed by 15 January 2007.

(e) **Reform of the security sector**: the Working Group on the reform of the security sector should also be set up by 5 December 2006 at the latest, and the dates of the national seminar should be announced at the same time.

(f) **Code of Conduct for the Media**: pursuant to paragraph 19 of resolution 1721 (2006), the Prime Minister should publish a code of conduct for the media by 15 December 2006 at the latest, and should take immediate measures with a view to its effective application.

7. Within this context, the Group feels that the impartial forces should contribute, as a priority, to ensuring the security of the electoral process, particularly in its

pre-identification and identification phases, as well as that of the disarmament, demobilization and reintegration process.

8. The Group affirms its determination to continue to work with all the Ivorian parties with a view to contributing to a rapid resolution of the crisis, in keeping with its role as guarantor and impartial arbiter of the peace process. The Group recommends to the African Union mediation to initiate urgently the necessary actions to restore a climate conducive to ending the crisis.

9. The Group also reminds all Ivorian parties that it is determined to recommend to the Security Council the implementation of appropriate sanctions against any person who might obstruct the effective start-up of the implementation of resolution 1721 (2006), including through incitements to hatred and violence.

10. Recalling the provisions of paragraph 31 of resolution 1721 (2006) concerning the individual responsibility of the members of the Defence and Security Forces of Cote d'Ivoire and the Armed Forces of the Forces Nouvelles, whatever their rank, in the implementation of the peace process, the Group condemns the repeated impediments to and obstruction of the freedom of movement of the impartial forces and, in particular, the refusal by the Republican Guard to grant staff of the United Nations Operation in Côte d'Ivoire in charge of the security of the Prime Minister access to the compound of the Office of the Prime Minister, as was the case on 1 December. Those responsible for this inadmissible incident will be reported to the Security Council Sanctions Committee.

11. The Group will hold its next meeting on 12 January 2007 in Côte d'Ivoire.

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Letter dated 30 November 2006 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council

On 26 March 2004, the Security Council adopted resolution 1534 (2004), in which it requested the Tribunal to provide to the Council by 31 May 2004, and every six months thereafter, assessments by its President and Prosecutor setting out in detail the progress made towards the implementation of the completion strategy, explaining what measures had been taken to implement it and what measures remained to be taken.

After consulting with the Prosecutor, and in conformity with that resolution, I am pleased to submit to you a revised version of the completion strategy of the International Criminal Tribunal for Rwanda, containing the assessment requested (see enclosure).

(*Signed*) Erik **Møse**
President

06-63717 (E) 111206

Enclosure

Completion strategy of the International Criminal Tribunal for Rwanda

Summary

This document details the Completion Strategy of the International Criminal Tribunal for Rwanda (ICTR), based on the information available by 30 November 2006. It takes into account the deadlines set in Security Council resolutions 1503 (2003) and 1534 (2004).

Judgments have been delivered in the first instance in respect of thirty-one persons. Two cases are at the judgment writing stage and are expected soon. Trials involving twenty-five accused are in progress. Consequently, the number of persons whose trials have either been completed or are in progress is fifty-eight. Eleven detainees are awaiting trial. From this group of eleven detainees, the Prosecutor proposes to request the transfer of a maximum of five persons to national jurisdictions for trial.

Eighteen indicted persons are still at large. The Prosecutor intends to request the transfer of at least twelve of these persons to national jurisdictions for trial leaving no more than six of this group of indictees for trial at the ICTR.

The cases involving the twenty-five accused whose trials are currently in progress will be completed from 2007 onwards. Trials of the remaining twelve accused (six detainees awaiting trial and six indictees at large) will commence as soon as Trial Chamber and court room availability permits. On the basis of the information presently available, it is estimated that by the end of 2008, the Tribunal would have completed trials involving sixty-five to seventy persons.

As there are now two years left until December 2008, the estimated time required to complete the ongoing trials and the limited number of future cases is based on specific and up-dated assessments of the scope and nature of each case. Previous Completion Strategy reports were based on a statistical average in light of general experience from completed trials.

I. Introduction

1. The present document contains an up-dated and revised version of the ICTR Completion Strategy as of 30 November 2006. It takes into account Security Council resolutions 1503 (2003) and 1534 (2004), adopted on 28 August 2003 and 26 March 2004, respectively. The document has been progressively elaborated based on contributions from the President, the Prosecutor, and the Registrar. The basis for the consultations between these three organs was originally a document entitled "Completion Strategy of the Office of the Prosecutor", which contained developments as of 29 April 2003.[1] The present document, which is the eighth report on the Completion Strategy, is based on revised information provided by the Prosecutor and recent developments in 2006.[2]

2. It is recalled that the first accused was transferred to Arusha in May 1996. Since the first trial started in January 1997, the ICTR has handed down twenty-five judgments involving thirty-one accused. Of these, twenty-six persons were convicted and five acquitted. Six of these convicted persons are presently serving their sentences in Mali. The total output of the second mandate (1999-2003) amounts to nine judgments involving fourteen accused, which is double the number of accused that were tried in the first mandate (1995-1999). So far in the third mandate (2003-2007), the Tribunal has commenced nineteen cases involving twenty-seven accused and delivered ten judgments involving ten accused. Two other trials have been completed and judgments will be delivered soon. The above information is reflected in the table contained in Annex I.

3. In addition to the thirty-one persons whose cases have been completed in the first instance and the two cases at the judgment writing stage, twenty-five accused are involved in nine trials. Five of these trials are multi-accused cases and very voluminous: the Butare case (six accused), the Military I case (four accused), the Government case (four accused), the Military II case (four accused) and the Karemera *et al.* case (three accused). There are four single-accused trials: Ziguranyirazo (commencement on 3 October 2005), Bikindi (18 September 2006), Nchamihigo (25 September 2006) and Rukundo (15 November 2006). Further details are given below (II). Consequently, the total number of accused whose trials have been completed or are in progress is fifty-eight.

4. Eleven detainees are awaiting the commencement of their trials. The Prosecutor intends to request the transfer of five persons to national jurisdictions for trial. The remaining six detainees will have their cases heard when the Tribunal's capacity so allows (III and para. 28).

[1] A first version of the ICTR Completion Strategy was submitted to United Nations Headquarters on 14 July 2003. That document was prepared within the context of General Assembly resolution 57/289 (2003), para. 15 (a), which provided that the proposed budget of the ICTR for 2004-2005 should include "detailed information as to how the resources requested for the biennium would support the development of a sound and realistic completion strategy". A second version of the ICTR Completion Strategy was submitted to United Nations Headquarters on 29 September 2003 and formed the basis of the ICTR request to increase the number of *ad litem* judges sitting "at any one time" from four to nine. The third to seventh versions of the Completion Strategy were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005 and 29 May 2006, respectively.

[2] Following his first address to the Security Council in October 2003, the new ICTR Prosecutor, Mr. Hassan B. Jallow, reviewed all the cases that were not currently on trial, with a view to determining which cases could reasonably be completed within the time frame set by the Security Council in Resolution 1503. The document dated 28 February 2004, entitled "Completion Strategy of the Office of the Prosecutor", was the result of this review.

5. There are eighteen indicted persons at large. The Prosecutor intends to request the transfer the cases of twelve of these persons to national jurisdictions for trial (V and VI).

6. Some of the accused at large may be dead, whereas others may not be arrested. Consequently, the actual number of persons brought to trial before the ICTR may be less than the number projected above. As part of the Completion Strategy, the Prosecutor has formulated a more aggressive programme for the tracking and apprehension of fugitives. The Tracking Team Section within the Investigation Division has been re-organised and strengthened. The Prosecutor has also visited a number of Member States of the United Nations with a view to securing their political support and cooperation for the arrest and transfer of fugitives.

7. The Prosecutor considers that approximately forty suspects could be tried in national jurisdictions. He is currently engaged in discussions with some States for this purpose and has already transferred thirty case files to Rwanda and one case file to Belgium.

8. Security Council resolution 1503 (2003) provides that all work of the ICTR and the International Criminal Tribunal for the Former Yugoslavia (ICTY) shall be completed by 2010. It is difficult at this stage to indicate a completion strategy for the ICTR Appeals Chamber, as it is linked to the ICTY completion strategy. It is recalled, however, that most judgments rendered to date have been appealed. There are currently six judgments, involving eight persons, either on appeal or review (the Media case, Ndindabahizi, Muhimana, Simba, Muvunyi and Rutaganda). It is anticipated that the Appeals Chamber's already heavy workload will, in all likelihood, continue to increase. It has been observed from past experience that appeals are normally lodged by both (in multi-accused cases all) parties. Therefore, the real number of appeals is much higher than the number of judgments on appeal. As the workload of the Trial Chambers decreases, the focus will shift to the Appeal Chamber where a drastic increase in work is anticipated. This increase is further compounded by the fact that the Judges of the Appeals Chamber also consider ICTY appeals. There will, at some stage, be a need to increase the number of judges at the Appeals Chamber if there are to be any reasonable prospects of completing all appeals by 2010. This will require an amendment of the Statute.

II. Activities in Chambers

9. On 3 December 2003, *Trial Chamber I* delivered judgment in the "Media case", which was heard during the second mandate. It has also been hearing the continuation of the Military I case (Bagosora, Kabiligi, Ntabakuze and Nsengiyumva), transferred from the previous Trial Chamber III. The Prosecution closed its case in September 2004 after having called eighty-two witnesses. The Defence case started in April 2005 and is virtually at the end. The Military I trial has been twin-tracked with the Ndindabahizi trial (from 1 September 2003), in which judgment was delivered on 15 July 2004; the Simba trial (from 30 August 2004), where judgment was delivered on 13 December 2005; the Mpambara trial (from 19 September 2005), in which judgment was delivered on 12 September 2006;

and the Kurera trial (from 9 January 2006), in which judgment is expected in early 2007.[3] Judgment was also rendered in the Serugendo case (guilty plea) on 12 June 2006.

10. *Trial Chamber II* was engaged in three trials concurrently during the second mandate. Judgment in the Kajelijeli trial was rendered on 1 December 2003. The Kamuhanda trial concluded with judgment on 22 January 2004. Particularly voluminous is the Butare trial. It involves six accused, which is the largest number of accused jointly tried (Nyiramasuhuko, Ntahobali, Nsabimana, Nteziryayo, Kanyabashi and Ndayambaje).[4] In the third mandate, Trial Chamber II has given priority to the completion of the Butare trial. The Prosecution closed its case after having called fifty-nine witnesses, and the Defence commenced its case on 31 January 2005. On 5 November 2003, the Trial Chamber started the trial in the Government case, involving four government ministers (Bizimungu, Mugenzi, Bicamumpaka and Mugiraneza). The Defence case, which commenced on 1 November 2005, is currently being presented. On 20 September 2004, the Military II trial started, and the Prosecution is at the end of its case. Judgment was delivered in the Muvunyi trial, which commenced on 28 February 2005, on 12 September 2006. On 13 April 2006, judgment was rendered in the Bisengimana case (guilty plea). The Rukundo trial commenced on 15 November 2006.

11. *Trial Chamber III* heard three trials contemporaneously during the second mandate: the Semanza case (one accused; judgment on 16 May 2003), the Cyangugu trial with three accused (Ntagerura, Bagambiki and Imanishimwe; judgment on 25 February 2004), and the Military I trial. Following the reconstitution of the Chambers in early June 2003, this case was transferred to Trial Chamber I (para. 9). In the third mandate, Trial Chamber III conducted the Gacumbitsi trial (from July 2003), in which judgment was delivered on 17 June 2004, and the Muhimana trial (from March 2004), where judgment was delivered on 28 April 2005. The Karemera *et al.* case commenced on 27 November 2003. Following the Appeals Chamber's decision of 28 September 2004 and its reasons of 22 October 2004, the trial had to commence *de novo*. One of the accused, André Rwamakuba was subsequently severed from this case, and his trial commenced on 9 June 2005, which led to judgment on 20 September 2006. The Karemera *et al.* trial, with the remaining three accused, commenced on 19 September 2005 before a different Trial Chamber Section to Trial Chamber III. The Prosecution is currently presenting its case. In the Seromba trial, which started on 20 September 2004, judgment is scheduled for 13 December 2006. The Ziguranyirazo trial commenced on 3 October 2005 and the Prosecution closed its case in late 2006. On 14 March 2005, Trial Chamber III rendered judgment in the Rutaganira case (guilty plea). One Trial Chamber Section commenced the Bikindi trial on 18 September 2006. Another Section started the Nchamihigo case on 25 September 2006.

12. The sixteen single-accused cases that have commenced in the third mandate led to two judgments in 2004 (Gacumbitsi, Ndindabahizi), three judgments in 2005 (Rutaganira, who pleaded guilty; Muhimana and Simba) and six judgments in 2006 (Bisengimana and Serugendo, who both pleaded

[3] "Twin-tracking" means that two trials are heard in consecutive slots, and is illustrated as follows: Trial A five weeks, trial B five weeks, trial A five weeks, etc. Defence counsel in trial A will leave Arusha while trial B is heard. The purpose of this system is to use inevitable breaks during one trial to ensure progress of another case. Such breaks allow the Prosecution and the Defence to prepare for the next stage of the proceedings (for instance by interviewing witnesses etc.).

[4] One of the judges in this Chamber was not re-elected for the third mandate (2003-2007). In resolution 1482 (2003), the Security Council did not extend his mandate for the purpose of enabling him to continue sitting on the Butare case. On 15 July 2003, the Chamber decided that the trial should continue with a substitute judge under Rule 15 *bis* of the Rules of Procedure and Evidence ("the Rules"). Appeals against this decision were dismissed by the Appeals Chamber on 24 September 2003.

guilty; Muvunyi, Mpambara, Rwamakuba and Seromba). An overview of on-going trials is presented in Annex 2.

III. Remaining Detainees

13. Eleven detainees are awaiting the commencement of their respective trials. These cases are all single-accused trials, some of which will commence in 2007, depending on Trial Chamber and courtroom capacity. These detainees are identified in Annex 3.

14. All of the remaining indicted persons may not be tried by the ICTR. In determining which individuals should be tried before the ICTR, the Prosecutor will be guided by the need to focus on those who are alleged to have been in positions of leadership and those who allegedly bear the greatest responsibility for the genocide. This approach is in conformity with Security Council resolution 1534 (2004). The criteria to be taken into consideration when making this determination are as follows:

- the alleged status and extent of participation of the individual during the genocide;
- the alleged connection an individual may have with other cases;
- the need to cover the major geographical areas of Rwanda in which the crimes were allegedly committed;
- the availability of evidence with regard to the individual concerned;
- the concrete possibility of arresting the individual concerned;
- the availability of investigative material for transmission to a State for national prosecution.

15. On the basis of these criteria, the Prosecutor intends to transfer the cases of a maximum of five of the present detainees to national jurisdictions for trial.[5] It will be for the Trial Chambers to decide on the requests for transfer.

IV. Remaining Workload Relating to the Detainees

A. General Observations

16. The analysis provided above (II-III) indicates that, in addition to the judgments involving thirty-one persons, the ICTR will deliver judgments in at least twenty-one cases in respect of thirty-seven persons from 2006 onwards (two cases at the judgment writing stage; twenty-five accused currently on trial and six detainees).[6] Consequently, there is a need to estimate the time required to complete the trials of these persons.

[5] As discussions with States are on-going, it is not possible to identify the five cases involving detainees that may be transferred to national jurisdictions.

[6] The twenty-one cases involving thirty-seven accused are Butare (6), Military I (4), Government (4), Military II (4), Karemera *et al.* (3), Rwamakuba (1), Seromba (1), Muvunyi (1), Mpambara (1), Zigiranyirazo (1), Karera (1) as well as seven single-accused trials of detainees indicted prior to 2005 and three newly indicted detainees.

17. In the previous versions of the Completion Strategy, calculations and projections were premised on a sixty-two trial day average per accused. The computation of sixty-two trials per accused was an estimate.[1] For ease of reference, the table that formed the basis for the estimate of sixty-two trial days per accused is annexed to this document (Annex 4). In the present document, and with only two years left of the Tribunal's mandate, less emphasis is placed on calculations, and more upon an assessment of the time required based on specific and up-dated knowledge of the scope and nature of the remaining cases.

18. Estimating the time needed to complete the trials has its difficulties. It is recalled, firstly, that the estimates in previous Completion Strategy reports were based on the number of witnesses and hours needed to present the Prosecution case, cross-examination and the Defence case. Since then, there has been considerable progress in many trials.

19. Secondly, the length of Defence cross-examination depends on factors relating to each individual case. Experience shows that in cases involving one accused, the cross-examination of Prosecution witnesses will generally take about the same amount of time as the examination-in-chief. In some instances, it may even be shorter. In multi-accused trials, the time taken for cross-examination often exceeds the time taken in examination-in-chief, particularly if the witness gives evidence implicating more than one or all the accused. It is assumed, as a working tool, that the total time taken for the cross-examination of a Prosecution witness will normally not exceed the total time taken for the examination-in-chief of that witness, when all cases are considered as a whole. In this context, it is taken into account that the Prosecution's list of witnesses has usually been reduced during trial.

20. Finally, it is recalled that information about Defence cases is difficult to obtain, particularly since some of these cases have not yet started and there is the issue of confidentiality when it comes to the trial strategy of the Defence. As a working tool, it is assumed that the time needed for the presentation of the Defence case should not exceed the time required for the presentation of the Prosecution case. Experience shows that it may sometimes take less time.

21. Factors which influence trial time include the number of counts in the indictments and the seriousness of the allegations; the alleged positions and roles of the accused and whether they are alleged to have acted alone or in concert with others, which may determine whether they are tried separately or jointly; and the nature, scope and length of the testimonies.

B. Trials in Progress

22. The on-going trials are at different stages of completion. The Tribunal's main challenge is the completion of the five multi-accused cases. In the Butare trial (para. 10), the third of the six accused has now closed his case. The trial is expected to be completed in 2007.

23. In the Military I trial (para. 9), the Defence case is virtually at the end. Judgment is expected in 2007.

[1] In some cases, trial time was significantly less that sixty-two trial days per accused (Elizaphan and Gerard Ntakirutimana: thirty trial days per accused; Niyitegeka: thirty-five trial days; Gacumbitsi: thirty-two trial days; Ndindabahizi: twenty-seven trial days; Muhimana: thirty-four trial days; Mpambara: twenty-eight trial days; Karera: thirty-three trial days). Other cases took more time than sixty-two days.

24. In the Government case (para. 10), the second of the four Defence teams is presenting its evidence. It is expected that the case will be completed in 2007. Judgment is expected in 2008.

25. The Military II case (para. 10) is very close to the end of the Prosecution case (the last witness is presently being heard). The Defence case will commence in early 2007 and judgment is expected in 2008.

26. The Karemera *et al.* trial (para. 11) is a voluminous and complex case. Several important Prosecution overview witnesses have been heard. The Trial Chamber has taken steps to ensure that the Prosecution case should be completed before the middle of 2007 in order to conclude the trial in late 2008.[8]

27. Turning now to the single accused cases, the Zigiranyirazo trial (para. 11) has reached the end of the Prosecution case and the Defence has commenced presenting its case. This case is expected to be completed in 2007. The Bikindi trial (para. 11), the Nchamihigo case (para. 11) and the Rukundo trial (para. 10) are also expected to be completed in 2007.

C. Detainees Awaiting Trial

28. There are eleven detainees, five of whom the Prosecutor intends to transfer to national jurisdictions for trial (paras. 13-15). The remaining six cases will commence as soon as Trial Chamber and courtroom capacity allows. The completion of the Military I, the Butare and the Government trials in 2006 and 2007 (paras. 22-24) will gradually allow the judges presently hearing these multi-accused cases to conduct the remaining single-accused trials. One of them, the Renzaho case, is scheduled to commence on 8 January 2007.

V. Workload Relating to Persons at Large and New Indictments

29. There are currently eighteen accused at large, at least twelve of whom the Prosecutor intends to transfer to national jurisdictions for trial.

30. The Completion Strategy of September 2003 indicated that twenty-six suspects were at large. As the Prosecutor's strategy is to prosecute, before the ICTR, those persons bearing the greatest responsibility for the crimes committed in Rwanda in 1994 (paras. 13-15), the number of suspects under investigation was reduced to sixteen in the Completion Strategy submission of April 2004.[9] Following the completion of investigations in respect of the genocide, the files involving eight of these persons were closed due to lack of evidence. Eight indictments against the remaining eight suspects were confirmed in 2005. Five of these persons remain at large and are included in the eighteen fugitives mentioned above. The Prosecutor has also taken account of the mandate of the ICTR, as emphasized by Resolution 1503, to investigate reports of violations by the Rwanda Patriotic Front (RPF).

31. All investigations in respect of the genocide were completed by 2004, as requested by Resolution 1503 (2003). Moreover, when the eight indictments were submitted for confirmation in 2005, the

[8] *The Prosecutor v. Karemera et al.*, Transcripts of 26 October 2006 pp. 2-3.

[9] In the November 2004 version of the Completion Strategy the number was fifteen. The correct figure is sixteen.

Prosecutor ensured that these cases were ready for trial, in the sense that all approved identified investigations are completed, a draft pre-trial brief is prepared, together with draft exhibits and witness lists, and that disclosure searches (as of that date) are completed. This will ensure that (i) there will be no delay in trial preparations when the accused is transferred to the Tribunal; (ii) the case can be more readily assigned to a new Prosecution team if necessary; or (iii) referred to a national jurisdiction pursuant to Rule 11 *bis* of the Rules.

32. Once an individual is indicted, substantial investigations must be continued in order to support the trial team. Additional investigations may be needed to replace the evidence of witnesses who may have died, to assist in the interviewing of witnesses prior to their travel to Arusha, to supplement and corroborate the evidence, and to address the Defence case and any possible rebuttal. The Office of the Prosecutor's investigations section continues to provide support in respect of ongoing trials and appeals. There will now be a shift in emphasis from classical investigations to trial and appeals support.

VI. Transfer of Cases by the Prosecutor to National Jurisdictions

33. The Completion Strategy of September 2003 indicated that about forty cases were earmarked for transfer to national jurisdictions. According to the April 2004 Completion Strategy, the Prosecutor increased the number of these cases to forty-one. He is currently engaged in discussions with some States for this purpose. His intention is to transfer, in some cases, files in respect of which investigations have been completed and are trial ready and, in other cases, dossiers requiring further investigations by the receiving country. The decision to transfer cases to national jurisdictions is a judicial one in cases where indictments exist. The Prosecutor intends to proceed under Rule 11 *bis* in respect of seventeen indictees: five detainees (paras. 14-15) and twelve accused at large (paras. 5 and 29). In addition, the Prosecutor envisages the transfer of files involving thirty-two suspects to national jurisdictions for trial. This process is under way. Case files in respect of thirty individuals have already been transferred to Rwanda and in respect of one suspect to Belgium.

34. In preliminary discussions with national authorities, the Office of the Prosecutor has ascertained that the laws of the State in which some suspects are present may not confer jurisdiction over these suspects or the crimes they allegedly committed. Others have investigated the cases and not pursued them, and may be reluctant to re-open these cases. Many of the suspects are in less-developed countries where judicial systems are under strain arising from the prosecution of their own accused. The Prosecutor believes that it is important to explore the possibility of transferring cases to African countries where certain suspects are now living, despite the above constraints.

35. To date, one transfer request has been submitted pursuant to Rule 11 *bis*. The Prosecution request to transfer the case against Michael Bagaragaza to Norway was rejected by the Trial Chamber on 19 May 2006. This decision was upheld by the Appeals Chamber on 30 August 2006. Following the identification of another State willing to receive this case, it is likely that a fresh request for transfer of this case for trial in a national jurisdiction will follow.

36. Transfer of cases to Rwanda raises several issues. One involves the death penalty, which is applicable in genocide cases, though only rarely implemented. A welcome development since the

previous Completion Strategy report is the proposal of the Rwandan Government to abolish the death penalty. This proposal is currently being discussed in the country. The ICTR is presently considering the issue of the capacity of the Rwandan judicial system to handle such cases at a time when it faces difficulties in coping with thousands of *local cases connected with the genocide*. Since many of the cases earmarked for transfer are destined for Rwanda, the issue of resources may therefore affect the proposed transfer of cases to Rwanda. The Tribunal is conducting programmes to contribute to capacity building in Rwanda (Annex 5).

37. The Prosecutor will initiate discussions with States regarding transfer of cases and transmissions of files. He will insist on compliance with international standards of fair trial on the files transmitted. In the event that it is not possible to transfer or transmit these cases to national jurisdictions, he will make alternate proposals to the Security Council and highlight the related budgetary implications.

VII. Past and Present Strategies

38. **Pre-trial Stage**: At the commencement of the second mandate, in June 1999, there was a considerable number of pending pre-trial motions. The Prosecutor at that time requested the joining of a large number of accused in one case, at one point asking for the confirmation of a joint indictment for over twenty suspects. The Confirming Judge denied the request. The Prosecutor then asked for joinder of smaller numbers of accused, who allegedly participated in the same criminal transaction, such as the use of public media, the actions of military officials, government officials, or alleged crimes in certain geographical areas of Rwanda (Butare, Cyangugu). This led to a considerable number of motions from the Prosecution requesting amendments of indictments and the joinder of accused. In addition, a large number of motions were filed by the Defence.

39. Consequently, the first priority for the Chambers in 1999 was to reduce the number of motions in order to move cases to the trial stage. To facilitate this, the judges amended the Rules in order to allow for motions to be considered solely on written pleadings and also by a single judge. These measures taken to reduce the workload of outstanding motions increased the efficiency of the Chambers and reduced costs in connection with oral hearings of motions. After having reduced the number of pending motions to a minimum, full translation and disclosure of documents was ordered before all three Trial Chambers could commence with trial.

40. Additionally, changes to the Rules were adopted by the judges in the Plenary to regulate the pre-trial process and to restrict the number of interlocutory appeals that were delaying the commencement of trials. Through pre-trial and pre-defence status conferences, a Trial Chamber has the authority to streamline trial proceedings. In particular, the parties may be ordered to file briefs addressing the factual and legal issues, identifying contested matters, and provide a list of witnesses intended to be called, along with a summary of the facts and the specific allegations in the indictment on which the witnesses will testify. Moreover, the parties must give an estimate of the time that will be taken by each witness to give their evidence, and the Trial Chamber may order a reduction in the number of witnesses and the time for witnesses to give evidence-in-chief. The Trial Chamber may also order information on the status of exhibits (Rules 73 *bis* and *ter*).

41. A useful step was the establishment of the Trial Committee in 2003, which is composed of representatives of Chambers, the Registry and the Prosecution. The Committee, which is in contact with the various Defence teams, has facilitated the trial-readiness of several new cases. A Translation Working Group has studied ways to speed up translation of documents and thus avoid delays in the judicial proceedings.

42. Guilty pleas reduce the length of trials. Experience shows that not more than a day is needed for a Chamber to satisfy itself that a guilty plea is informed, unequivocal, and made freely and voluntarily. The writing of the judgment requires limited time. Unlike the situation at the ICTY, few accused have pleaded guilty at the ICTR.[10] It is difficult at this stage to estimate how many indictees may in future plead guilty. At the Plenary Session in May 2003, the Rules were amended, providing a legal basis for plea-agreements.

43. **The Trial Stage:** All Trial Chambers have been conducting trials on a twin-track basis (in some instances also on a "triple-track" basis). Twin-tracking of two big cases or more is cumbersome. Experience shows that the best model is to twin-track one big and one small case, unless the big case is particularly voluminous and complex. When required, the ICTR is using the so-called "shift system", which ensures that one court room is used for two cases heard in morning and afternoon sessions. The shift system operates in a morning shift from 8.45 to about 13.00 and an afternoon shift until about 18.30.

44. Following the ICTR's request of 9 July 2001, the Security Council adopted Resolution 1431 of 8 August 2002, created a pool of eighteen *ad litem* judges. The purpose of this reform, which followed a similar Security Council resolution for the ICTY in 2000, was to increase the judicial capacity of the ICTR. The election of the eighteen *ad litem* judges by the General Assembly took place on 25 June 2003. The first *ad litem* judge took office on 1 September 2003 and three other *ad litem* judges arrived in October 2003. Pursuant to two other requests on 8 September 2003 and 29 September 2003, respectively, the Security Council on 27 October 2003 adopted Resolution 1512, which increased, from four to nine, the number of *ad litem* judges who could take office at any one time. The Security Council also conferred on *ad litem* judges the competence to adjudicate over pre-trial matters. The fifth judge arrived in March 2004. The arrival of the five *ad litem* judges made it possible to start four new trials and to continue the Butare trial. After the arrival of the remaining four *ad litem* judges in September 2004, it was possible to commence another two trials.[11]

45. With nine *ad litem* judges, the Tribunal is able to set up six Trial Chamber Sections. However, it follows from the ICTR Statute that a Trial Chamber Section must be comprised of both permanent and *ad litem* judges. Hence, the full utilisation of *ad litem* judges depends on the availability of permanent judges. At present, several permanent judges are engaged in voluminous trials.[12] This makes it difficult to maintain six Trial Chamber Sections on a permanent basis. However, experience shows the

[10] The following six judgments were based on guilty-pleas: *Prosecutor v. Jean Kambanda* (1998); *Prosecutor v. Omar Serushago* (1999); *Prosecutor v. Georges Ruggiu* (2000); *Prosecutor v. Vincent Rutaganira* (2005); *Prosecutor v. Paul Bisengimana* (2006); *Prosecutor v. Joseph Serugendo* (2006).

[11] From September 2003 to the end of April 2004, *ad litem* judges participated in the following four new trials: Ndindabahizi, Government, Karemera *et al.* and Muhimana. After September 2004, *ad litem* judges also sat in these trials: Seromba, Military II, Rwamakuba, Muvunyi, Mpambara, Zigiranyirazo, Karera, Bikindi, Nchamihigo and Rukondo.

[12] Two permanent judges sit in the Butare trial and three in the Military I trial.

usefulness of twin-tracking one joint trial with a single-accused trial, as well as the Trial Chamber Sections sitting in shifts. Therefore, the number of Trial Chamber Sections is about six, even if they are not all sitting on a permanent basis.[13]

46. It is important to find the right balance between the multi-accused and single-accused trials. Some Trial Chamber Sections sit in morning and afternoon shifts. These sessions are shorter than full trial days, by about two hours. In the November 2004 version of the Completion Strategy, it was mentioned that the construction of a fourth courtroom would allow for more full trial days, thus increasing the progress of the multi-accused trials, as well as courtroom capacity when appeals are heard. Following voluntary contributions by the Norwegian and United Kingdom Governments, a new courtroom was constructed in record time and inaugurated on 1 March 2005. It is in full use and represents a very important element of the Tribunal's Completion Strategy.

47. In spite of all measures taken to accelerate the proceedings, cases may still appear to be time-consuming. It should be remembered that conducting judicial proceedings at the international level is a more complicated task than at the national level. The cases at the *ad hoc* Tribunals are legally and factually very complex. There is a considerable volume of documents normally disclosed during trials of alleged architects of the atrocities, including alleged high-ranking members of the government. These documents must be translated for legal teams and accused, who may require translations of all the documents into the other official language of the Tribunal before they respond to motions or undertake trial preparation. The number of witnesses is often considerable, and simultaneous interpretation of all testimony is required into three languages. Witnesses have often to be extracted from difficult environments, afforded considerable protection before and after testimony and sometimes re-located. The staff and counsel involved in cases come from different cultures and traditions, and effective communication requires new skills and extra effort. Prosecution and Defence counsel come from all over the world, and have different court-room styles. Defence counsel are away from their respective practices and are unable to attend to their other work for considerable periods of time when taking up assignments at the ICTR.

48. Factors which contributed to a reduction in the number of trial days included the difficulty to obtain the appearance of witnesses from Rwanda and illness on the part of judges and counsel. The ICTR has taken several steps to ensure that such factors are minimized in the future. In particular, the Rules have been amended to allow for a Trial Chamber to continue the trial in the eventuality of a judge being ill, absent or permanently unavailable (Rule 15 *bis*).[14] The insistence by the Trial Chambers on having two Defence counsel and, in the event of illness or absence of one counsel, requiring the remaining counsel to continue, will reduce the occurrence of interruptions of trials. At present, witnesses from Rwanda are appearing before the ICTR. It is important that this situation continues.

49. Experience shows that it is difficult to ensure that witnesses are always available, even with the use of additional witnesses present in Arusha in case of unavailability. A frequent situation in practice

[13] As mentioned above (para. 3), a total of nine Trial Chamber Sections have been hearing evidence in the second half of 2006: Butare, Military I, Government, Military II, Karemera *et al*., Zigiranyirazo, Bikindi, Nchamihigo and Rukondo. This is possible because some judges sit in two trials, either because of twin-tracking or the shift-system.

[14] In 2003, there was a disruption to trial proceedings because some of the judges were not re-elected.

is that Prosecution or Defence counsel requires additional time to prepare witnesses for examination-in-chief. The Chambers also have to allow Prosecution and Defence additional time for the preparation of cross-examination in situations where unexpected evidence emerges or evidence is tendered without proper notice. Sufficient time is needed for pre-trial hearings, deliberation on motions and judgment writing. These circumstances, combined with illness and other forms of unavailability of witnesses, not only reduce the number of trial days but also the number of sitting hours per trial day. Nevertheless, the Chambers will continue their efforts to increase the time spent in the court room.

50. **Administrative Matters:** In assessing its needs for human resources with a view to promoting the implementation of its Completion Strategy, the Prosecutor envisages a substantial increase in the number of trial attorneys and an expansion of its Appeals Section. Investigative and administrative support is also needed. This increase will be addressed by redeployment. The Prosecutor expects that at the anticipated conclusion of investigations, some posts presently held by investigators could be re-deployed to increase the number of trial attorneys, legal advisors and other staff required for trial. Improvements in the management of information and evidence, as well as the promotion of the best prosecutorial practices, are important initiatives towards achieving the Completion Strategy (Annex 6).

51. With the shift in emphasis of the ICTR from one centred on investigation and arrests to one centred on trials, the Registry will focus its attention on the end-date for the Tribunal in all aspects of its work. Numerous measures have been adopted to provide greater support in the management of trials (Annex 7). Finally, contracts entered into, item of equipment purchased and personnel recruited will all bear a close relationship to the Completion Strategy.

52. **Sufficient Resources:** In order to respect the time-frames laid down by Security Council resolutions 1503 and 1534, the ICTR must continue to receive the necessary resources. In 2004, the United Nations administration imposed a freeze on the recruitment of new staff at the Tribunal, due to delays in the payment of contributions to the *ad hoc* Tribunals by Member States. This threatened to have significant effect on the Completion Strategy. The lifting of the freeze at the beginning of 2005 improved the situation.

IX. Conclusions

53. As mentioned above (para. 3), there are currently twenty-five accused involved in nine trials (Butare, Military I, the Government case, Military II, Karemera *et al.*, Zigiranyirazo, Bikindi, Nchamihigo and Rukundo), five of which are lengthy because they are joint trials. These trials are at different stages.

54. In the Completion Strategy of April 2004, it was projected that in 2004, three trials (Gacumbitsi, Ndindabahizi and Muhimana) would be completed. This target was accomplished. It was also stated that three trials involving six accused (Simba, Seromba and Military II) would commence between May to September 2004. This projection was also accomplished.

55. The Completion Strategy of May 2005 indicated that, besides the judgments in the Rutaganira and Muhimana cases which were delivered in March and April 2005, respectively, judgments in the Simba

and Seromba cases would be delivered later that year. Judgment in the Simba case was delivered on 13 December 2005. Difficulties arising from the withdrawal of the Lead Counsel in the Seromba case delayed the completion of trial, but judgment will be rendered on 13 December 2006. In the course of 2006, judgment was also delivered in five other cases (Bisengimana, Serugendo, Mpambara, Muvunyi and Rwamakuba).

56. The projection to start two new trials in the second half of 2005 was also accomplished. Trials in the Mpambara and Zigiranyiranzo cases commenced in September 2005 and October 2005, respectively, with judgment being rendered in the former on 12 September 2006.

57. In the Completion Strategy of May 2006, it was expected that three new trials may start in the second half of 2006. This goal was accomplished with the commencement of the Bikindi, Nchamihigo and Rukundo cases.

58. Judgement in the Military I case will be rendered in 2007. The presentation of the evidence is expected to be completed in the Butare and Government cases in 2007, and in the Military II and Karemera *et al.* trials in 2008. As the current multi-accused cases conclude, an increasing number of new single-accused cases will be able commence. In the first half of 2007, it is expected that one or two new single-accused cases will commence, subject to courtroom capacity. Approximately three new single-accused cases are likely to commence in the latter half of that year. The remaining projected new single-accused cases are likely to be conducted in the course of 2008.

59. The above projections suggest that, by the end of 2008, the ICTR could complete trials and judgments in the range of sixty-five to seventy persons, depending on the progress of present and future trials. This is an estimate, and it also depends on sufficient resources being made available. The Tribunal is committed to bringing to justice those persons who were most responsible for genocide and violations of international humanitarian law that were committed in Rwanda in 1994. In this process, the ICTR will establish the guilt or innocence of the accused, bring justice to victims of the massive crimes that were committed and establish a record of facts that can aid reconciliation in Rwanda. The Tribunal will also leave a legacy of international jurisprudence that can guide future courts and deter the future commission of these grave crimes.

60. As mentioned above (para. 1), the present document is part of the ICTR's continuing process of refining its Completion Strategy. The Tribunal welcomes contributions to this process.

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ANNEX I
PERSONS CONVICTED OR ACQUITTED: 31 ACCUSED IN 25 JUDGMENTS

First Mandate (May 1995-May 1999)

Name	Former Title	Initial appearance	TC	Judgment
J. P. Akayesu	Bourgmestre of Taba	30 May 1996	TC1	2 September 1998
J. Kambanda	Prime Minister	1 May 1998	TC1	4 September 1998 (guilty plea)
O. Serushago	Businessman, Interahamwe leader	14 December 1998	TC1	5 February 1999 (guilty plea)
C. Kayishema	Prefect of Kibuye	31 May 1996	TC2	21 May 1999 (joinder)
O. Ruzindana	Businessman	29 October 1996		
G. Rutaganda	Businessman, 2nd Vice-president of Interahamwe	30 May 1996	TC1	6 December 1999
A. Musema	Businessman	18 November 1997	TC1	27 January 2000
Sum first mandate			**Six judgments (7 accused)**	

Second Mandate (May 1999-May 2003)

G. Ruggiu	RTLM Journalist	24 October 1997	TC1	1 June 2000 (guilty plea)
I. Bagilishema	Bourgmestre of Mabanza	1 April 1999	TC1	7 June 2001
G. Ntakirutimana	Doctor	2 December 1996	TC1	21 February 2003 (joinder)
E. Ntakirutimana	Pastor	31 March 2000		
L. Semanza	Bourgmestre of Bicumbi	16 February 1998	TC3	15 May 2003
E. Niyitegeka	Minister of Information	15 April 1999	TC1	15 May 2003
J. Kajelijeli	Bourgmestre of Rukingo	19 April 1999	TC2	1 December 2003
F. Nahimana	RTLM Director	19 February 1997	TC1	"Media Case" (joinder) 3 December 2003
H. Ngeze	Kangura Editor	19 November 1997		
J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
J. Kamuhanda	Minister of Culture and Education	24 March 2000	TC2	22 January 2004
A. Ntagerura	Minister of Transport	20 February 1997	TC3	"Cyangugu Case" (joinder) 25 February 2004
E. Bagambiki	Prefect of Cyangugu	19 April 1999		
S. Imanishimwe	Lieutenant in FAR	27 November 1997		
Sum 2nd mandate			**Nine judgments (14 accused)**	

Result of first 2 mandates by February 2004			**Fifteen judgments (21 accused)**

Positions: The 21 accused held the following positions in 1994: 1 Prime Minister, 3 Ministers, 2 Prefects, 4 Bourgmestres, 1 Senior Admin., 3 Media, 1 Military, 1 Clergy, 5 Others.

Third Mandate (May 2003-May 2007)
COMPLETED CASES: TWELVE ACCUSED IN TWELVE CASES

Name	Former Title	Initial Appearance	TC	Judgment
S. Gacumbitsi	Bourgmestre of Rurumo	20 June 2001	TC3	17 June 2004. Started on 28 July 2003.
E. Ndindabahizi	Minister of Finance	19 October 2001	TC1	15 July 2004. Started on 1 September 2003.
V. Rutaganira	Councillor of Mubuga	26 March 2002	TC3	14 March 2005 (guilty plea).
M. Muhimana	Councillor of Gishyita	24 November 1999	TC3	28 April 2005. Started on 29 March 2004.
A. Simba	Lieutenant-Colonel in FAR	18 March 2002	TC1	13 December 2005. Started on 30 August 2004.
P. Bisengimana	Bourgmestre of Gikoro	18 March 2002	TC2	13 April 2006 (guilty plea).
J. Serugendo	Technical Director, RTLM	30 September 2005	TC1	12 June 2006 (guilty plea).
J. Mpambara	Bourgmestre of Rukara	8 August 2001	TC1	12 September 2006. Started on 19 September 2005.
T. Muvunyi	Commander, Ecole Sous-officiers	8 November 2000	TC2	12 September 2006. Started on 28 February 2004.
A. Rwamakuba	Minister of Education	7 April 1999	TC3	20 September 2006. Started *de novo* on 9 June 2005.
A. Seromba	Priest, Kivumu Commune	8 February 2002	TC3	13 December 2006. Started on 20 September 2004.
F. Karera	Prefect of Kigali	26 October 2001	TC 1	Started on 9 January 2006. Judgment early 2007.

Positions: 2 Ministers, 1 Prefect, 3 Bourgmestres, 2 Councillors, 2 Military, 1 Media, 1 Clergy.

Annex 2
On-Going Trials: Twenty-five Detainees in nine Cases

Name	Former Title	Initial Appearance	TC	Comments
P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	TC2	"Butare Case" (joinder). Started in second mandate. Completion in 2007.
A. S. Ntahobali	Interahamwe leader	17 October 1997		
S. Nsabimana	Prefect of Butare	24 October 1997		
A. Nteziryayo	Prefect of Butare	17 August 1998		
J. Kanyabashi	Bourgmestre of Ngoma	29 November 1996		
E. Ndayambaje	Bourgmestre of Muganza	29 November 1996		
T. Bagosora	Dir. of Cabinet, Ministry of Defence	20 February 1997	TC1	"Military I Case" (joinder). Started in second mandate. Judgment in 2007.
G. Kabiligi	Brigadier-General in FAR	17 February 1998		
A. Ntabakuze	FAR Battalion Commander	24 October 1997		
A. Nsengiyumva	Lieutenant-Colonel in FAR	19 February 1997		
C. Bizimungu	Minister of Health	3 September 1999	TC2	"Government Case" (joinder). Started on 5 November 2003. Completion in 2007.
J. Mugenzi	Minister of Commerce	17 August 1999		
J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
P. Mugiraneza	Minister of Civil Service	17 August 1999		
E. Karemera	Minister of Interior, V-P of MRND	7 April 1999	TC3	"Karemera et al." (joinder) Started on 27 November 2003. Started *de novo* on 19 September 2005. Completion in 2008.
M. Ngirumpatse	D-G of Ministry of Foreign Affairs, President of MRND	7 April 1999		
J. Nzirorera	President of National Assembly, S-G of MRND	7 April 1999		
A. Ndindilyimana	Chief of Staff of Gendarmerie	27 April 2000	TC2	"Military II Case" (joinder) Started on 20 September 2004. Completion in 2008.
F-X Nzuwonemeye	FAR Battalion Commander	25 May 2000		
I. Sagahutu	2IC of Reconn. Battalion	28 November 2000		
A. Bizimungu	Chief of Staff of FAR	21 August 2002		
P. Zigiranyirazo	Businessman	10 October 2001	TC3	Started on 3 October 2005. Completion 2007
S. Bikindi	Musician	4 April 2002	TC3	Started on 18 September 2006. Completion 2007.
S. Nchamihigo	Deputy Prosecutor	29 June 2001	TC1	Started on 25 September 2006. Completion 2007.
E. Rukundo	Chaplain	26 September 2001	TC3	Started on 15 November 2006. Completion 2007.

Positions: 6 Ministers, 1 Parliamentarian, 2 Prefects, 1 Senior Admin, 1 Lesser Administrative Official, 2 Bourgmestres, 8 Military, 1 Clergy, 3 Others.

ANNEX 3
AWAITING TRIAL: ELEVEN DETAINEES

Name	Former Title	Initial Appearance	TC	Number of OTP witnesses
J. Nzabirinda	Youth Organizer	27 March 2002	TC2	15
H. Nsengimana	Rector, Christ-Roi College	16 April 2002	TC2	15
J.-B. Gatete	Bourgmestre of Murambi	20 September 2002	TC1	30
T. Renzaho	Prefect of Kigali	21 November 2002	TC2	Starts on 8 January 2007
I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	TC3	
J. Rugambarara	Bourgmestre of Bicumbi	15 August 2003	TC2	
Y. Munyakazi	Interahamwe leader	12 May 2004	TC1	
G. Kanyarukiga	Businessman	22 July 2004	TC1	
E. Setako	Colonel	22 November 2004	TC1	
M. Bagaragaza	Director, National Tea Industry	18 August 2005	TC3	Rule 11 *bis* request.
C. Kalimanzira	Acting Minister of Interior	14 November 2005		

Positions: 1 Acting Minister, 1 Prefect, 2 Bourgmestres, 2 Military, 2 Clergy, 3 Others.

ANNEX 4

Estimates Based on the Prosecutor's (OTP) Figures for Present Detainees (Previous Completion Strategy report)

	Case	No. of Accused	No. of OTP witnesses	No. of hours for OTP case-in-chief	No. of hours for Defence cross-examination	No. of hours for Defence case-in-chief	No. of hours for OTP cross-examination	Total hours
1	Butare	6	68	330	330	330	330	1320
2	Military I	4	100	500	500	500	500	2000
3	Muvunyi and Hategikimana	2	43	180	180	180	180	720
4	Seromba	1	20	100	100	100	100	400
5	Ndindabhizi	1	15	50	50	50	50	200
6	Military II	4	90	500	500	500	500	2000
7	Government I	4	50	300	300	300	300	1200
8	Karemera *et al.*	4	45	300	300	300	300	1200
9	Zigiranyirazo	1	30	100	100	100	100	400
10	Bikindi	1	30	100	100	100	100	400
11	Renzaho	1	30	100	100	100	100	400
12	Gikongoro	1	41	170	170	170	170	680
13	Bisengimana	1	15	50	50	50	50	200
14	Karera	1	15	50	50	50	50	200
15	Mpambara	1	30	150	150	150	150	600
16	Gacumbitsi	1	30	120	120	120	120	480
17	Rukundo	1	20	80	80	80	80	320
18	Nzabirinda	1	15	60	60	60	60	240
19	Nsengimana	1	15	60	60	60	60	240
20	Muhimana	1	15	60	60	60	60	240
21	Rutaganira	1	15	60	60	60	60	240
22	Gatete	1	30	120	120	120	120	480
23	Nchamihigo	1	15	60	60	60	60	240
24	Rugambarara	1	20	80	80	80	800	340
		42	**794**	**3680**	**3680**	**3680**	**3680**	**14740**

ANNEX 5
ICTR OUTREACH PROGRAMME

I. Introduction

In order for the prosecution of the persons responsible for the 1994 genocide to contribute to national reconciliation in Rwanda it is essential that the Rwandan people have an understanding of and confidence in the work of the Tribunal. To achieve this, the International Criminal Tribunal for Rwanda (ICTR) has established an outreach programme designed to reach, first and foremost, all sectors of Rwanda society and, second the rest of the world.

The outreach programme has been conceived as a series of projects, complementary to the public information activities of the ICTR and cuts across all the ICTR's departments. By virtue of the Tribunal's mandate the Rwandan population, including both those within Rwanda and the Diaspora, is the most important target audience for information about the Tribunal and its work. The Statute of the Tribunal also stipulates that the prosecutions will "contribute to the process of national reconciliation" and that there is a "need for international cooperation to strengthen the courts and judicial system of Rwanda". Member States are invited to provide sufficient resources to the sustainable implementation of the ICTR Outreach Programme in Rwanda.

It is important to recognize that such an ambitious programme is by necessity multi-faceted since the targeted audiences range from uneducated persons with little or no access to modern forms of media to academics and legal practitioners throughout Rwanda. It is equally important to recognize that the ICTR outreach programme strives to provide much more than simply an awareness of the work of the Tribunal. Specifically, the outreach programme includes in-depth specialized training of Rwandan legal practitioners in the international justice process. It also supports many young professionals from Africa and other Third World countries who are interested in human rights and eager to acquire first hand experience at the ICTR.

This report summarizes the outreach activities that the Tribunal implemented until May 2006. The overarching goals of raising awareness and capacity building are interwoven throughout the following components of the outreach project.

II. Awareness-raising Programs within Rwanda

In 2000, the ICTR inaugurated an information centre in Kigali. The centre remains the flagship for all outreach activities in Rwanda. Press conferences, briefings and films on the Tribunal are frequently held at the Centre. On average, 80 persons a day have visited the Centre in order to use its legal library, internet facilities and the database of printed and audio-visual Tribunal material. Screenings of audio-visual documentaries on the Tribunal are held in various communes in Rwanda and in schools and prisons five days a month.

In order to get the Tribunal's message across Rwanda, the External Relations and Strategic Planning Section of the Tribunal conducts regular awareness-raising workshops in all Rwandan provinces. The

purpose of the workshops is to explain the Tribunal's work and its relevance to Rwandans. During the workshops, ICTR staff members provide local population with first hand information about the work of the Tribunal, how trials are conducted, why trials are time-consuming, what is done to speed up the trials and why the deadlines of 2008 and 2010 were set out. During the workshops particular attention is given to the audiences' feedback. In this regard, the ICTR and the Centre for Conflict Management of the University of Rwanda are currently conducting a survey to gauge the perception of the Tribunal's work among the Rwandan population. The survey will also serve as a baseline to assess the impact of the outreach programme.

The Tribunal received funds from the European Commission. It expects that the funds will help to set up new information centres at provincial level once negotiations between the Government of Rwanda and the Tribunal are concluded. These centres will complement information activities carried out by the ICTR information centre based in Kigali, which can only receive people who are in, or able to travel to, Kigali. The purpose of these provincial information centres is to provide local populations with accurate information about the trial proceedings. They will also show documentaries about the trials in order to show ordinary Rwandans that the planners of the genocide are being tried, sentenced and punished by the Tribunal. It is expected that this information will help break the "myth of authority" among the Rwandan people and consequently, they will no longer follow orders blindly if they are able to see the genocide leaders being convicted and their ideology refuted by the international legal community.

The Tribunal is exploring technicalities of extending the video signals from the courtrooms during live broadcasts -as in the case of judgments- so that Rwandans could watch live the proceedings from the Information Centre. This will be via a radio link to be installed between the ICTR office in Kigali and the Centre. Currently such programmes are recorded by ICTR office in Kigali and broadcast by the Rwandan public media at their convenient time.

III. Training of Jurists, Advocates and Human Rights Practitioners

This activity is one of the cornerstones of the ICTR's outreach programme. Capacity building of the Rwandan legal practitioners included seminars aimed at strengthening the knowledge of judges, registrars, university professors and law students in areas such as online legal research and utilization of information management software. These seminars were aimed at increasing their knowledge in accessing electronic resources (online legal databases, free journals, Internet tools such as search engines) on various subjects such as ICTR jurisprudence, peace, reconciliation, prevention of genocide, democracy and development available from the ICTR website and from other institutions around the world. Another advanced training in legal records management for court registrars was postponed to 2006 due to unavailability of trainees. This year, such trainings will be also extended to the Rwandan Bar Association.

Rwandan judges, prosecutors, registrars and members of the Rwandan Bar Association have visited the Tribunal as part of continued efforts to strengthen the cooperation between the Rwandan judicial system and the Tribunal. During their visit, the Rwandan officials briefed ICTR officials on the restructuring within the Rwanda Judiciary and on other ongoing legal reforms. They also discussed

issues pertaining to the ICTR's completion strategy with the President, the Prosecutor and the Registrar of the Tribunal.

In November 2005, a high level workshop involving representatives of the government of Rwanda and the Tribunal took place in Kigali. Workshop participants discussed how to develop an adequate process for transferring ICTR cases to Rwanda as an integral part of the Tribunal's Completion Strategy. They also reviewed strategies for soliciting funds for capacity building of the Rwandan justice sector.

In 2006, the ICTR planned an attachment programme of Rwandan judicial officials to the Office of the Prosecutor and the Registry in order for them to get first hand experience in international humanitarian law. Additionally, this attachment programme will help Rwandan legal practitioners to get experience necessary for handling cases that may be transferred to Rwanda as part of the Completion Strategy of the Tribunal. The success of the transfer of cases will be subject to the Rwandan judiciary's ability to uphold international justice standards. Recently, the outreach programme officer met with the training officers of the Rwandan Supreme Court and Office of the Prosecutor General to discuss how best to implement the capacity building programme. Further meetings between Rwanda and the Tribunal are planned to discuss the issue of capacity building.

IV. Relationship with Academic Institutions

ICTR has good cooperation with various Universities in Africa and elsewhere. A special programme has been set up to strengthen the capacity of Rwandan institutions of higher education.

IV.1 Special Fellowship Programme for Rwandan Law Students

The Tribunal has a particular cooperation with the National University of Rwanda. An annual programme of research awards for students has been instituted and is now in its sixth year. Each year, up to six law students from the National University of Rwanda spend eight weeks carrying out thesis research in the ICTR library and archives, attending trial proceedings and receiving briefings on various aspects of the Tribunal's work. Each student is assigned a mentor from among the Tribunal's legal staff who supervises and guides the research. This new model has engaged many law students to the extent that the number of research projects about international justice has increased. During the period under review, ICTR legal professionals lectured at the national university and this programme will be extended to other Rwandan universities. The Tribunal sponsors regular study tours of the ICTR by law professors and students from Rwandan private universities in order to provide them with information about international humanitarian law and ICTR jurisprudence. Subject to more financial support, it is expected that this programme will be extended to other Rwandan universities.

IV.2 Internship and Legal Researchers' Programmes

ICTR's Internship Programme is unlike any in the United Nations system, because its work assignments are of a specialized legal nature and interns assist in many of the core legal functions of the Tribunal, such as conducting research on intricate legal issues, summarizing witness testimonies,

analyzing party submissions, drafting judgments and interlocutory motions, assisting in evidence collection and management, which in some cases involves travel to Rwanda and visits to genocide massacre sites.

Another Programme, the ICTR Legal Researchers' Programme is run side by side with the Internship Programme. The Legal Researchers Programme was conceived to redress the imbalance in that the numbers of interns from Africa were almost non existent because of financial constraints. The Legal Researchers Programme is funded from the UN-ICTR Trust Fund and the beneficiaries are lawyers from Africa and other Third World countries. They perform the same functions as legal interns.

Since the Tribunal started its work in 1995, the UN-ICTR Internship Progamme has grown from strength to strength. The main beneficiaries from these Programmes are OTP and Chambers. Since its inception, the programme has recorded a total of 636 interns and 84 Legal Researchers have so far completed their attachments at ICTR.

V. Media Programs

Media relations are a priority for the ICTR's outreach programme. Communicating its work to people outside the Tribunal and legal community is essential. During the period under review, the ICTR has developed a partnership with Radio Rwanda. Under this partnership, the Tribunal tried to fill the information gap regarding its work by facilitating Rwandan journalists from the *Office Rwandais de l'Information* to broadcast on a daily basis from Arusha. The Tribunal also conducted various seminars to inform Rwandan journalists about the content of the "media case" judgment and its implications for freedom of expression. It is also worthwhile mentioning that groups of up to six Rwandan journalists from broadcast and print media are regularly brought to the ICTR by UN flight from Kigali in order to report directly on important events such as the delivery of judgments.

The ICTR partnered with the Hirondelle Press Agency and Internews Press Agency in its effort to get Rwandan population informed about the Tribunal's work. Hirondelle Press Agency provides various audiences including Rwandans with news about daily ICTR's proceedings, while Internews Press Agency has been showing documentaries about the work of the Tribunal in many locations in Rwanda as part of a programme of information for Rwandan people. However, Internews discontinued the project in 2005. The Tribunal supports the efforts of Hirondelle, the only international press agency still operational at the ICTR, in securing resources to continue with its activities.

VI. Cooperation with Rwandan Civil Society Organizations

The ICTR continues to actively cooperate and assist human rights bodies, sharing with them information and expertise related to international criminal law. Every year, at least six representatives from Rwandan civil society organizations visit the Tribunal. The aim of their visit is to get first hand information about the work of the Tribunal and to strengthen Rwandan civil society organizations' capacity in international humanitarian law and criminal jurisprudence.

ANNEX 6
PROSECUTION (OTP) INITIATIVES IN SUPPORT OF FACILITATING THE ACHIEVEMENT OF THE COMPLETION STRATEGY

I. Continuous Improvement of the Information and Evidence Management Capacity

Effective management of information is very important for the success of the Completion Strategy.

The OTP has a collection of over half a million pages of documents, thousands of hours of audio and video tapes and tens of thousands of transcripts of proceedings. These numbers continue to grow daily as trials progress. The task of discharging OTP evidentiary obligations and the imperative of sharing information in order to manage the cases well has become onerous and costly.

It is therefore a deliberate strategy within the OTP to continually improve information management practices and maximize the use of appropriate technology tools to help us expedite trials while still following fair and due process. Some recent innovations are:

Electronic Disclosure System

The Electronic Disclosure System (EDS) is a computer-based information management system containing all the non-confidential evidence and other information held by the OTP. This store of information is made available to the Defence on application. The system is available via the internet, thereby enabling Defence Counsel to access information from anywhere in the world 24 hours a day, seven days a week.

The most important benefit of this system is that it facilitates the compliance of the OTP with Rule 68, particularly paragraph (B) which states that "where possible, and with the agreement of the Defence, and without prejudice to paragraph (A), the Prosecutor shall make available to the Defence, in electronic form, collections of relevant material held by the Prosecutor, together with appropriate computer software with which the Defence can search such collections electronically". Rule 68 is often cited as grounds for appeal and improving the OTP's fulfillment of its disclosure obligations will expedite the completion of cases.

The OTP Intranet

It is imperative for the success of the OTP prosecutorial strategy that all trial teams share information with one another. With assistance from the European Commission for extrabudgetary funding, the OTP has been able to initiate the development of its intranet. The intranet enables the dissemination and sharing of key information among all OTP staff members (subject to security levels).

The key benefit of the intranet is that, through information sharing, all OTP staff members will be aware of developments in all OTP cases allowing the OTP to have a more consistent strategy. The Intranet will also give access to information sources which are centrally managed improving the

quality and reliability of information. In so doing the work of the OTP can be carried out more effectively.

CaseMap

CaseMap is a litigation support software that allows a trial team to collect all information relevant to a case in one place for easier analysis and sharing with all members of the team and the OTP as a whole. Information can be structured in such a way that it clearly shows how well the case is progressing and where any weaknesses may be. This in turn allows trial teams to adjust their witness lists and presentation of evidence accordingly and produce their closing briefs more quickly and in so doing the Prosecution can present its case in a more efficient manner.

LiveNote

LiveNote is a transcript management software that greatly enhances access to the information in transcripts as well as allowing trial teams to annotate transcripts on a real-time basis. LiveNote gives trial teams the ability to search all the transcripts of an entire case at once thus reducing a task that previously could take several days to one that can be done in a matter of hours. LiveNote also allows trial teams to annotate sections of the transcript as it appears on their laptops real-time in court, which effectively means that analysis of transcripts can begin as soon as the evidence is given. Both functions greatly improve the speed at which information can be accessed which in turn leads to more efficient working practices by the trial teams.

II. Promoting Prosecutorial Best Practice: Imposing Quality Standards

A. Internal Best Practice

Another key strategy devised by the OTP to expedite trials is to implement quality standards across all key activities and set best practice (where there are none) or comply with best practice (where they exist).

OTP Best Practices are documented using ISO 9000 standards – an internationally acknowledged business process management standard.

The benefits of undertaking this standardization are:

Achieve consistency in process and outcome

The OTP operates in two major locations (Rwanda and Arusha, Tanzania) in four linked but culturally diverse sections/divisions. By imposing standards, greater consistency in the process and outcomes is achieved and in doing so reduce duplication of effort, errors and miscommunication.

Fix stress points in the processes

By reviewing the key process prior to documentation, stress points were identified and fixed which then lead to more effective streamlining and clearer harmonization of trial practices.

Consolidating and preserving institutional memory

There has and continues to be constant changes in OTP staff. Documentation of the key process will improve the organisation's institutional memory allowing it to continue to work at an optimal level despite staff changes.

Accountability: ICTR is accountable to the United Nations (and its members) for the work it has done on its behalf since 1994. The documentation of the OTP's work is a part of that accountability.

B. Sharing Best Practice with other institutions

While the ICTR is an unusual and unique organization with a very specific mandate, there are models of practice and procedure that will be relevant to other institutions such as the International Criminal Court, other current and future criminal tribunals and to the international community of prosecutors in general. The ICTR OTP has led the initiative in establishing International Prosecutors' Best Practice Programme which was unanimously adopted by other international prosecutors during the 1st International Prosecutors' Colloquium in Arusha in 2004 and continues to be developed to date.

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The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Right of peoples to self-determination

Cooperation between the United Nations and regional and other organizations: cooperation between the Nations and the Organization for Security and Cooperation in Europe

Security Council
Sixty-first year

Letter dated 6 December 2006 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to forward to you herewith the Statement on Nagorno-Karabakh adopted by the Ministerial Council of the Organization for Security and Cooperation in Europe, in Brussels on 5 December 2006 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda items 11, 17, 27, 66 and 108 (o), and of the Security Council.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

06-65251 (E) 121206

Annex to the letter dated 6 December 2006 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Statement on Nagorno-Karabakh

We are encouraged that negotiations in 2006, facilitated by the Co-Chairs of the OSCE Minsk Group and supported by the OSCE Chairman-in-Office, have brought the sides closer to agreement on the basic principles for the resolution of the Nagorno-Karabakh conflict.

We welcome the support of the leaders of the G8 to these efforts, expressed at the G8 Summit in St. Petersburg in July.

We urge the Presidents of Armenia and Azerbaijan to redouble their efforts in the coming year to finalize these basic principles as soon as possible.

We call on the sides, with the assistance of the international community, to extend co-operation to conduct an environmental operation to suppress the fires in the affected territories and to overcome their detrimental consequences. These measures can constitute significant steps toward restoring confidence between the sides. The OSCE is available to assist.

We also express our continuing support for the Personal Representative of the OSCE Chairman-in-Office and his mission to the region, and particularly for their efficient assistance to the Environmental Assessment Mission and for their ongoing monitoring of the ceasefire. We regret that incidents along the front lines continue occasionally to result in loss of life and call on both sides to adhere strictly to the ceasefire.